

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Tommy Kristensen Bysted CONF. NO.: 1359
SERIAL NO.: 10/523,616 ART UNIT: 2617
FILING DATE: 11/23/2005 EXAMINER: Zewari, Sayed T
TITLE: TRANSMITTING INTERLEAVED MULTIPLE DATA FLOWS
ATTORNEY
DOCKET NO.: 939-012101-US (PAR)

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE REVIEW

1. The Examiner states that specification is objected to because "there is not enough explanation of the claims." It is respectfully submitted that the "Arrangement of the Specification", as illustrated by Pub. No. 2006/0126591, is in the proper form. There is no basis for the rejection.

2. Claims 11, 12 and 23 are rejected under 35 USC §112, second paragraph. Specifically, the Examiner states that the feature of "the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times" is not clear and "no proper clarification is given in the specification."

However, paragraph [0110] states that the output of the transport format combination indicator insertion process 411 is subjected to physical layer interleaving 414, which may be block or diagonal although block interleaving is shown in FIGS. 11(a) to 11(c). The "depth of the physical layer interleaving" is set to the shortest transmission time

interval in the transport channel format set established during call set up. In the example shown in FIGS. 11(a) to (c), the smallest transport time interval is 20 ms, i.e. one radio block, and the physical layer interleaving is a block interleaving process applied to the data in one radio block. The physical layer interleaving does not change unless the set of transport formats changes which requires interaction between the mobile station 6a, 6b and a base station 4.

An example of the smallest transport time interval (relating to the claimed "defined transmission times") of 20ms is given. This portion of the specification goes on to say that the physical layer interleaving is a block interleaving process applied to the data in one radio block. Put another way, interleaving is applied across one radio block. It is also stated there that one radio block is 20ms. Thus, in the example stated in the specification, the interleaving depth (equal to one radio block, or 20ms) is not greater than (it is the same as) the smallest transport time interval (or, put another way, "the least of ... defined transmission times").

Further, the interleaving is applied to an amount of data. The amount of data corresponds to a transmission time (in the example, 20ms). The transmission time to which the interleaving relates is not greater than the smallest transport time interval.

It is submitted that at least this paragraph of Applicant's specification provides a sufficient amount of clarification of the claimed feature. Therefore, this rejection should be moot.

3. Claims 11-30 are not anticipated by Sakoda (US 6,088,345) because each element recited in the claims cannot be found in the cited reference.

Sakoda is not relevant to Applicant's claimed subject matter because Sakoda has no disclosure related to "depth of interleaving" as that term is used and described in the specification.

Claim 12 recites that the "depth of said interleaving corresponds to a transmission time not greater than the least or said defined transmission times." This is not disclosed or suggested by Sakoda.

Although Sakoda discloses an interleave buffer 62 and an interleave process, there is no disclosure in Sakoda regarding a "depth" of interleaving as is claimed by Applicant. A definition for "interleave depth" is "the number of bits (or bytes) in each block of data." (Taken from "Interleaving Explained, Kitz.co.uk, kitz.co.uk/adsl/interleaving.htm) "Interleaving" takes data packets, chops them into smaller bits, and then rearranges them so that once contiguous data is now spaced further apart into a non-continuous stream. Thus, the "depth of interleaving" relates to the number of bits or bytes in the block of data across which interleaving is performed.

Although Sakoda discloses that the "data are rearranged by a predetermined length", (Col. 9, lines 13-25) there is no disclosure in Sakoda related to what the predetermined length is. Sakoda does not provide any disclosure related to the number of bits or bytes across which interleaving is performed. Thus, Sakoda does not disclose any particular depth of interleaving as is claimed by Applicant, where the depth corresponds to a transmission time not greater than the least or said defined transmission times.

Col. 4, lines 1-21 of Sakoda, referred to by the Examiner on this point discusses that the transmission data is supplied to a modulation process and that a transmission signal is supplied through the antenna sharing device 12 to the antenna 12. There is no disclosure related to interleaving, or depth of interleaving in this paragraph.

As noted earlier, Col. 9, lines 13-25 discusses how the coded data is subjected to an interleave process. In this interleave process, the "data are rearranged by a predetermined length." There is no disclosure here related to a "depth" of the interleaving or that an interleaving depth corresponds to a "transmission time" that is

"not greater than the least of said defined transmission times" as recited by Applicant in the claims.

The Examiner state that for "purposes of examination" the term "depth of interleaving" is interpreted to mean "that every transmission time is a set time period and the interleaved data is transmitted within this set time period." While this may be a somewhat accurate statement, it does not reflect the proper definition of "Interleave Depth" as identified above. Even so, all that Sakoda states is that in the interleave process "data is rearranged by a predetermined length." Sakoda is silent as to any actual length, or that the interleaving depth can vary, let alone an interleaving depth that corresponds to a "transmission time" that is "not greater than the least of said defined transmission times" as claimed by Applicant.

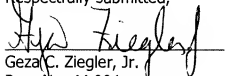
Thus, since Sakoda does not disclose or suggest at least the feature that a "depth of said interleaving corresponds to a transmission time not greater than the least or said defined transmission times, claim 12 cannot be anticipated by Sakoda.

Claim 23 is not anticipated for reasons similar to those discussed with respect to claim 12. Claims 13-17, 18-20 and 24-29 should be allowable at least by reason of their respective dependencies.

Claim 30 is not anticipated by Sakoda because there is no disclosure relating to concatenating data from the data flow and a code identifying the manner "to produce a block of concatenated data" as recited in the claim. The Examiner has not cited any reasons for the rejection of claim 30.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

17 June 2006
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512